****

In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 10.11.2006.

Jatinderpal and others .... Petitioners.

vs

Smt.Rattan Devi and others .....Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.R.N.Moudgil,Advocate,for the petitioners.

Kiran Anand Lall, J.

Vide the order under challenge, the executing court has dismissed the objections which the petitioners had filed to the execution of decree dated 14.10.1998, affirmed by the first appellate court, in appeal, on 21.7.2001.

The petitioners were defendants in a suit for permanent injunction filed against them by the respondents. The decree (Annexure P1) passed against them in the suit was to the following effect:-

> "*It is hereby ordered that the suit of the plaintiffs for permanent injunction is decreed and the defendants are restrained permanently from interfering in the possession of the plaintiffs over the suit land except in due course of law. Both the parties are left to bear their own costs.*"

The decree had attained finality, after the first appellate court affirmed it, as the petitioners did not challenge it any further.

It is admitted case of the petitioners that inspite of the above,

****

they got the khasra girdawari entries in respect of the same land changed on 29.10.2001, by (Re; Annexure P3) moving an application before the revenue authorities on 26.9.2001 stating therein that the land was in their possession since the time of their forefathers.

The executing court was, therefore, right in observing in the impugned order dated 12.8.2006 that inspite of the fact that, after holding the decree holders to be in possession of the land, the civil court had restrained the petitioners from dispossessing them (respondents) therefrom except in due course of law, the petitioners "*adopted a clever method of getting the girdawaris changed in their favour".* As per the decree, the latter would, of course, have been within their rights to take possession of the land in due course of law. But, they did not do so, and instead, adopted a short cut, by moving the revenue authorities for correction of girdawari entries in their favour, without disclosing the civil suit verdict against them. They had thereby clearly disobeyed the judgments and decrees of the trial court and the appellate court.

In view of the above, no illegality or impropriety can be found with the impugned order. The petition deserves to be dismissed, in limine, and is dismissed as such.

10.11.2006. (Kiran Anand Lall)
vs. Judge.